

REMARKS

Claims 1-5 are pending in the application. In the final Office Action dated August 28, 2007, the Examiner made the following disposition:

- A.) Rejected claims 1, 2, and 5 under 35 U.S.C. §102(e) as being anticipated by *Bruner*.
- B.) Rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Lin* or *Schmid*.

Applicant respectfully traverses the rejections and addresses the Examiner's disposition below.

- A.) Rejection of claims 1, 2, and 5 under 35 U.S.C. §102(e) as being anticipated by *Bruner*:

Applicant respectfully disagrees with the rejection.

Independent claim 1, as amended, claims a method for manufacturing a micromachine including an oscillator. There is a step of forming a sacrifice layer around a movable portion of the oscillator, the sacrificial layer comprising silicon dioxide. There is a step of covering the sacrifice layer with an overcoat film, followed by the formation of a penetrating hole reaching the sacrifice layer in the overcoat layer. There is a step of performing sacrifice-layer etching for removing the sacrifice layer using the penetrating hole in order to form a space around the movable portion. There is a step of performing a film-formation treatment at a reduced pressure following the sacrifice-layer etching so as to seal the penetrating hole. The film-formation treatment forms a film selected from the group consisting of an aluminum copper film and an aluminum silicon film.

This is clearly unlike *Bruner*, which fails to disclose or suggest forming an aluminum copper film or an aluminum silicon film to seal a penetrating hole. *Bruner* [0046] describes generally that *Bruner* seals its penetrating hole in a vacuum. However, *Bruner* fails to teach or suggest forming an aluminum copper film or an aluminum silicon film to seal a penetrating hole. Accordingly, *Bruner* fails to disclose or suggest claim 1.

Claims 2 and 5 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Bruner* in view of *Lin* or *Schmid*:

Applicant respectfully disagrees with the rejection.

Claim 1 is allowable over *Bruner* as discussed above. *Lin* and *Schmid* still fail to disclose or suggest forming an aluminum copper film or an aluminum silicon film to seal a penetrating hole. Therefore, *Bruner* in view of *Lin* or *Schmid* still fails to disclose or suggest claim 1.

Claims 3 and 4 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-5 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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